INTERNATIONAL JOINT COMMISSION


ORDER OF APPROVAL

12 September, 1946

WHEREAS this application came on for hearing at Penticton, British Columbia on July 10th, 1943, and at Oroville, Washington, on July 12th, 1943, after due notice to all interested parties in both countries of the filing of the Application and of the time and place of hearing, when evidence was adduced, and all parties desiring to be heard were fully heard; and

WHEREAS on July 12, 1943, the Commission appointed a special board of engineers consisting of Mr. C.E. Webb, District Chief Engineer, Dominion Water and Power Bureau, Department of Mines and Resources of Canada, Vancouver, British Columbia, and Mr. F.M. Veatch, District Engineer, United States Geological Survey, Tacoma, Washington, and directed said Board to make a study of the relationship between the obstructions referred to in the Application and the levels of Osoyoos Lake, and in particular to give the Commission answers to certain questions and interrogatories suggested by the terms of the Application and the testimony submitted at the above-mentioned hearings, which questions
and interrogatories are set out in a Report of the Special Board of Engineers filed with the Commission in March, 1946, in which Report are also set out the findings and recommendations of the Board in reply to the questions and interrogatories of the Commission; and

WHEREAS, having given due consideration to this Report, the Commission held further public hearings at Osoyoos, British Columbia, on June 21, 1946, and at Oroville, Washington, on June 22, 1946, at which hearings further testimony was obtained from interested parties on either side of the international boundary; and

WHEREAS, it appears that the dam built by William Zosel, hereinafter referred to as the Zosel Dam, sometimes raises the level of Osoyoos Lake, an international body of water; and

WHEREAS, the Commission concurs in the opinion of its special Board of Engineers regarding the alterations which should be made in the Zosel Dam.

NOW THEREFORE THIS COMMISSION DOETH ORDER AND DIRECT:

1. That the said Zosel Dam be altered in accordance with the plans set forth in said engineers' report with a view to its operation in the manner described in the said report; and that larger floodway openings with suitable control gates be provided, these gates, together with the spillway sections near the sides of the dam, to have sufficient capacity so that a pool elevation not exceeding nine hundred and eleven (911.0) feet, at a gauge located not more than three hundred (300) feet upstream from the
dam, may be maintained while discharging up to twenty-five hundred (2500) cubic feet per second, the top of the permanent sill under the gates to be at an elevation no higher than nine hundred and four (904) feet in order that proper sluicing action can be effected along the bed of the mill-pond upstream. All elevations herein are referred to United States Coast and Geodetic Survey Datum, 1929 Adjustment.

2. That the said William Zosel shall forthwith prepare plans for the alteration of said dam and submit them to the Commission for approval not later than December 1, 1946.

3. That in order to ensure the carrying out of the provisions of this Order, the Commission shall retain jurisdiction over the Zosel dam through a joint board of engineers to be known as the International Osoyoos Lake Board of Control, to consist of two members of the engineering services of the Government of the United States, and two members of the engineering services of the Government of Canada, each to be appointed by the Commission.

4. That the alteration and maintenance of the Zosel dam be carried out by the owner of the said dam at his own expense, under the general supervision of the International Osoyoos Lake Board of Control and with the approval of this Commission.

5. That the Commission reserves the right to amend this Order at any time.

Signed at Windsor, Ontario, on this twelfth day of September, 1946.

Chas. Stewart
A.O. Stanley
J.E. Perrault
Roger B. McWhorter